IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PATRICIA ANN WILLIAMS,

Plaintiff,

v.

OPINION & ORDER

WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT,

16-cv-830-bbc[1]

Defendant.

Pro se plaintiff Patricia Ann Williams has responded to the court's February 2, 2017 order screening her complaint in accordance with 28 U.S.C. § 1915(e)(2). In that order, I allowed Williams to proceed on a claim that defendant Wisconsin Department of Workforce Development refused to include law school assistance in her "individual plan for employment," in violation of the Rehabilitation Act. I also gave Williams leave to replead a retaliation claim that did not comply with Rule 8 of the Federal Rules of Civil Procedure.

Now Williams has filed two documents, one that is called "Motion to Amend & Correct Complaint" and one that is called "Motion to Amend, and Add to Complaint." Dkt. 11 and 12.[2] Although she filed the two documents within five days of each other, she does not explain whether the more recent document is meant to supercede the earlier document or whether she wants the court to consider both documents. However, both documents seem to cover similar topics, so I will assume the more recent document is a revision of the earlier document and I will disregard the earlier document.

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[1] Because Judge Crabb is on medical leave, I am issuing this opinion to prevent an undue delay in the progress of the case.

[2] Williams has filed several more motions in the last few days, but I will address those in a separate order because she filed them in both this case and another pending case, *Williams v. Wisconsin Department of Workforce Development*, No. 16-cv-475-bbc.

It is difficult to follow what Williams calls a "motion," but it seems to be an attempt to file an amended complaint as permitted by the court. The document consists primarily of examples of ways that she believes she has been wronged by the Department of Workforce Development and its employees. However, Williams does not include a request for relief in the document, so it cannot serve as an amended complaint. Fed. R. Civ. P. 8(a)(3) (complaint must include "demand for the relief sought"). Presumably, then, Williams intends this document to be a supplement to the complaint rather than a replacement for it. In accordance with 28 U.S.C. § 1915(e)(2), I will consider whether Williams may proceed on any new claims identified in the supplement. Because I conclude that Williams's supplement does not correct the problems with her original complaint and she attempts to raise new, unrelated issues, I am denying her request for leave to amend her complaint.

ANALYSIS

In the February 2, 2017 order screening Williams's complaint, I wrote that I understood Williams to be alleging that she was subjected to three kinds of retaliation because she participated in an investigation against the Department of Workforce Development: (1) department staff refused to include law school assistance in her "individual plan for employment"; (2) department staff destroyed some of her records; and (3) department staff refused to hire her for a job. I considered whether Williams's allegations of retaliation stated a claim under either the Rehabilitation Act or the First Amendment and concluded that they did not. First, she did not provide enough information to determine whether she engaged in conduct that may be protected under either law. Second, as to a First Amendment claim, she failed to identify individual defendants who allegedly retaliated against her, as she was required to do for a constitutional claim. *Thompson v. Holm*, 809 F.3d 376, 380 (7th Cir. 2016).

Williams's supplement does not fix the problems identified in the February 2 order. She provides no new details about the nature of the investigation that she allegedly assisted and she does not identify particular ways that individual defendants retaliated against her because she participated in the investigation. In fact, she says very little about the investigation in her supplement. Instead, she raises at least a dozen new issues that are well outside the scope of her original complaint. Here are a few examples of her new allegations:

- department employees Leslie Mirkin, Oscar Aviles, and Lorie Walker (who are not listed in the caption of Williams's supplement) "terminated" Williams because one of Williams's clients complained about the department's services;

- department employees Enid Glenn and Nicholas Lampone sent Williams "harassing" and "embarrassing" emails;

- Lampone disseminated Williams's confidential files;

- Glenn interfered with Williams's request for unemployment benefits;

- department employee Cliff Wollen (also not listed on Williams's caption) refused to pay Williams for her services;

- department employee Oscar Aviles (also not listed on Williams's caption) forged Williams's name on an individual plan for employment.

I do not consider in this order whether any of these allegations state a claim upon which relief may be granted. Under Rule 20 of the Federal Rules of Civil Procedure, a plaintiff may not bring unrelated claims against different defendants in the same lawsuit.

Owens v. Hinsley, 635 F.3d 950, 952 (7th Cir. 2011) ("[U]nrelated claims against different defendants belong in separate lawsuits . . . to prevent the sort of morass produced by multi-claim, multi-defendants suits.") (internal quotations omitted). When a plaintiff tries to cram too much into one case, the court may require the plaintiff "to file separate complaints, each confined to one group of injuries and defendants." *Wheeler v. Wexford Health Sources, Inc.*, 689 F.3d 680, 683 (7th Cir. 2012). Because all of these new allegations relate to new issues that are unrelated to Williams's original complaint, Williams will have to raise these claims in a separate lawsuit or lawsuits in accordance with Rule 20 if she wants to pursue the claims.

Because Williams has struggled in drafting a complaint that complies with the Federal Rules of Civil Procedure, I will give her some instructions to follow if she chooses to seek leave to amend her complaint in the future. First, she must refrain from "adding" to her complaint or "supplementing" it. Rather, she must file an amended complaint that can *replace* her previous complaint. In other words, the amended complaint should include all the allegations relevant to all of her claims, along with a request for relief. *Boriboune v. Berge*, No. 04–C–15–C, 2005 WL 256525, *1 (W.D. Wis. Jan. 31, 2005) ("[P]arties are not allowed to amend a pleading by simply adding to or subtracting from the original pleading in subsequent filings scattered about the docket . . . . [T]here can be only one operative complaint in the case.").

The reason for such a rule is plain enough. If the complaint consists of multiple documents, the scope of the plaintiff's claims becomes unclear and it becomes difficult if not impossible for the defendants to file an answer. To avoid ambiguity, an amended complaint must be able to stand on its own without any reference to the original complaint. Thus, if Williams files an amended complaint and she omits any allegations from her original complaint, the court will construe the omission as a decision to remove those allegations from the case.

Second, Williams must accompany any future amended complaint with a separate motion for leave to amend under Rule 15 of the Federal Rules of Civil Procedure. In that motion, she must (1) identify all of the changes she made to her complaint; and (2) explain why she believes that the court should grant her leave to amend. In particular, she should show that there was no undue delay in bringing the new claims, that the defendants will not be prejudiced by the amendment, and that her new allegations state a claim upon which relief may be granted under one or more legal theories. *Park v. City of Chicago*, 297 F.3d 606, 612 (7th Cir. 2002). If Williams does not comply with these two requirements, any request to amend her complaint may be denied.

Third, to make her complaint easier to follow and to answer, Williams should write her complaint as if she were telling a story to someone who knows nothing about her case, starting with the earliest events and ending with the most recent. Although it is not required, it is recommended that a plaintiff number each paragraph of the complaint. More generally, Williams should focus on the *facts* supporting her claim and not fill the complaint with legal conclusions and citations. After she is finished drafting a complaint, she should review it and ask herself whether a third party would be able to easily understand what she is trying to say. If not, she should make any necessary changes.

Finally, a more general problem with many of Williams's filings has been that she does not make it clear why she has filed particular documents or what she wants the court to do with them. If Williams does not provide that explanation in the future, the court may refuse to consider her filings or require her to resubmit them.

ORDER

IT IS ORDERED that plaintiff Patricia Williams's motions for leave to amend her complaint, Dkt. 11 and 12, are DENIED.

Entered February 27, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge